

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:19CR23-001
)	
Plaintiff,)	JUDGE JAMES S. GWIN
)	
v.)	
)	
MIGUEL PINA-ROSALES,)	<u>SENTENCING MEMORANDUM BY</u>
)	<u>UNITED STATES</u>
Defendant.)	

INTRODUCTION

Defendant Miguel Pina-Rosales (“Pina-Rosales”) is awaiting sentencing for fraudulently obtaining a U.S. passport with stolen identity information in a Rule 20 case from the Western District of Washington. Pina-Rosales is a Mexican citizen who has multiple felony convictions and arrests for drug distribution and gun-related offenses, as well as felony bench warrants from two different states that have been outstanding for over a decade. He stole a U.S. citizen’s identity and applied for a U.S. passport with the stolen identity—not once, but twice—to avoid facing consequences of his crimes and remain in the country illegally. As a result, Pina-Rosales has been charged with and convicted of passport fraud.

Pina-Rosales’s offense conduct impeded the administration of justice, violated the victim’s sense of security, and undermined the public’s confidence in the immigration system. As such, the government respectfully requests that Pina-Rosales be sentenced to 12 months and a day in custody, a mid-range guideline sentence. Because Pina-Rosales is likely to be transported to local jurisdictions to face multiple pending felony charges and eventually deported to Mexico, the government does not recommend supervised release.

BACKGROUND

Pina-Rosales is a 38-year-old Mexican citizen who first came to the United States when he was 11. PSR ¶ 42. In 1997, at the age of 16, Pina-Rosales was convicted of possession of marijuana with intent to distribute and was sentenced to one year in custody. PSR ¶ 29. According to the police report, Pina-Rosales had more than 217.5 grams of marijuana in his possession. PSR ¶ 29.

In 2002, Pina-Rosales applied for and was granted a green card. PSR ¶ 12. Obtaining a legal status did not stop him from committing more crimes, however. Later the same year, Pina-Rosales was arrested for and convicted of possession of marijuana in Tulsa, Oklahoma. PSR ¶ 30. In 2004, he was once again arrested and charged for possessing more than five pounds of marijuana in Arlington, Texas. PSR ¶ 38.

Also in 2004, while Pina-Rosales was in custody for the Texas marijuana case, immigration officials discovered that he had concealed his 1997 marijuana distribution conviction on his green card application. His green card was subsequently revoked and Pina-Rosales deported to Mexico in 2004. PSR ¶ 12. The case was dismissed as a result.

Pina-Rosales promptly came back to the United States, only to commit more crimes. In 2006, he was charged with possession of marijuana and possession of a firearm while in commission of a felony in Tulsa, Oklahoma. PSR ¶ 39. According to the information filed in the case, Pina-Rosales possessed marijuana with intent to distribute and had a loaded rifle with him. PSR ¶ 39. In 2007, he was charged with possession of methamphetamine and forgery, this time in Little Rock, Arkansas. PSR ¶ 40. Pina-Rosales was somehow released from custody in both cases and quickly fled.

In 2012, Pina-Rosales stole identity information belonging to L.J.C.—a U.S. citizen and Texas resident—including L.J.C.’s name, birth date, and social security number. Pina-Rosales, residing in the State of Washington by now, used the stolen identity information to apply for and successfully obtain a U.S. passport and other identity documents, such as Washington State’s driver’s license, under L.J.C.’s name. PSR ¶ 6. From then, Pina-Rosales lived a life of an impostor as L.J.C.

Later in 2012, however, the true L.J.C. reported the identity theft to the Customs and Border Patrol (CBP). CBP determined that the passport had been issued to an impostor and flagged the passport for a further investigation. PSR ¶ 8.

In March 2018, Pina-Rosales submitted another application for a U.S. passport under the name of L.J.C. in Lakewood, Washington, claiming that his previous passport had been destroyed in the washer and dryer. Because the previous passport issued under the name of L.J.C. had been flagged, the State Department investigators investigated the case, and identified the true identity of the passport applicant as Pina-Rosales. PSR ¶ 10. Pina-Rosales was ultimately arrested at his residence in Chardon, Ohio, to which he had recently moved along with his family. PSR ¶ 11. The case was subsequently transferred from the Western District of Washington to the Northern District of Ohio pursuant to Rule 20.

UNITED STATE’S POSITION ON SENTENCING

I. The Sentencing Guidelines

The parties have agreed to the total offense level of 12, as calculated in the PSR. With Pina-Rosales being Criminal History Category I, the corresponding guideline range is 10-16 months.

II. Application of § 3553(a) Factors

A. Nature and Circumstances of the Offense and History and Characteristics of the Defendant

Unlike many undocumented individuals who commit passport fraud simply to see family members abroad, Pina-Rosales committed passport fraud—twice—to avoid facing consequences of his crimes and live a life of an impostor. He repeatedly resorted to deception and lies—first on his green card application, and later on his passport applications—to achieve his criminal goals, with little regard or respect for the law. He was also successful in doing so. Using his fraudulent passport and alternative identity, Pina-Rosales avoided facing felony charges in Arkansas and Texas for over 10 years.

A crime like this undermines the public's confidence in our nation's immigration system; a rotten apple like Pina-Rosales besmirches millions of hard-working immigrants and their families. Pina-Rosales's crime also interfered with the due and effective administration of justice, having helped him be a fugitive from justice over a decade. Lastly, it had a tangible impact on the victim whose identity was stolen and sense of security threatened.

B. The Need to Afford Adequate Deterrence and to Promote Respect for the Law

The proposed sentence will serve as both a specific and general deterrent. As for specific deterrence, while in custody, Pina-Rosales will have time to reflect upon the choices he has made, and will be reminded that lying to the government to achieve his criminal goals will be met with consequences. As for general deterrence, the proposed sentence will place the public on notice that the United States takes passport fraud seriously, and that offenders will be prosecuted, especially when the underlying motive is a sinister one as in this case.

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CONCLUSION

For reasons stated above, the government respectfully requests the Court to follow its recommendation of 12 months and a day in custody.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March 2019 a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Brad J. Beeson

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